

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOSEPH E. STEVENS,
Petitioner,

v.

JERRY BEARD, Secretary of the California
Department of Corrections and
Rehabilitation, et al.,
Respondents.

Case No. [5:13-cv-03877-EJD](#)

**ORDER TO SHOW CAUSE RE:
PETITION FOR WRIT OF HABEAS
CORPUS**

Re: Dkt. No. 1

On March 21, 2007, a jury found Petitioner Joseph E. Stevens ("Petitioner") guilty of two counts first-degree murder in violation of California Penal Code § 187 and one count of assault with a deadly weapon in violation of California Penal Code § 245(a) after a trial in San Francisco County Superior Court. The jury also found true a multiple murder special circumstance allegation pursuant to California Penal Code § 190.2, as well as an allegation that Petitioner discharged a firearm during the commission of the offense under California Penal Code § 12022.53(d). On January 13, 2010, Petitioner was sentenced to two life terms without the possibility of parole, two consecutive 25-to-life terms for each of the firearm enhancements, and three years for the assault conviction. He is currently incarcerated at Salinas Valley State Prison.

Petitioner, represented by counsel, initiated the instant habeas action pursuant to 28 U.S.C. § 2254 on August 22, 2013. The court has reviewed the § 2254 Petition and has determined that it warrants a response from Respondent. Accordingly, the court orders Respondent to show cause why the petition should not be granted, as follows:

1 1. The Clerk shall serve by mail a copy of this Order to Show Cause and the Petition
2 and all attachments (Docket Item No. 1) upon Respondent.


3 2. Respondent shall file with the court and serve on Petitioner, within sixty (60) days
4 of the date this order is filed, an answer conforming in all respects to Rule 5 of the Rules
5 Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be granted.
6 Respondent shall file with the answer and serve on Petitioner a copy of all portions of the
7 underlying state criminal court records that have been transcribed previously and that are relevant
8 to a determination of the issues presented by the Petition.

9 3. If Petitioner wishes to respond to the answer, he shall do so by filing a traverse with
10 the court and serving a copy on Respondent within thirty (30) days of his receipt of the answer.

11 4. Respondent may file a motion to dismiss on procedural grounds in lieu of an
12 answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section
13 2254 Cases. If Respondent files such a motion, Petitioner shall file with the court and serve on
14 Respondent an opposition or statement of non-opposition within thirty (30) days of receipt of the
15 motion. Respondent may file with the court and serve on Petitioner a reply within fifteen (15)
16 days of receipt of any opposition.

17 **IT IS SO ORDERED.**

18 Dated: June 11, 2015

19
20 
21 EDWARD J. DAVILA
22 United States District Judge